

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CARMEN FIGUEROA,
Defendant

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CR No.: 04-10098-WGY

DEFENDANT'S MOTION FOR NEW TRIAL

NOW COMES, Carmen Figueroa, the Defendant in the above-captioned indictment, having been convicted by a jury on May 19, 2005 and moves that the Court vacate the conviction and order a new trial on the following grounds:

1. The verdict was against the weight of the evidence with respect to the issue of duress.
2. The trial judge erred in refusing to permit expert testimony on the effects of long term physical and emotional abuse on the actions, mental state and reactions of the abused person. This testimony is commonly referred to as battered woman's syndrome evidence.
3. The trial judge erred in denying defendant's motion to continue the trial where counsel became aware a month before trial that Ms. Figueroa had been the victim of physical and emotional abuse at the hands of the lead defendant since she was fourteen (14) years old and was unable to obtain a qualified psychiatrist to conduct a full evaluation of Ms. Figueroa to assess her mental condition and

explain certain conduct such as why she didn't leave Mr. Mendes or report him to the police while he was incarcerated which is counterintuitive to a lay person.

4. It was error not to permit the jury to consider defendant's actual state of mind in determining whether she was acting under duress throughout the conspiracy charged.
5. It was error to exclude evidence of what defendant told others about her abuse prior to her arrest after a co-defendant's counsel accused her of making up the duress "defense" during his cross-examination of her.
6. There was insufficient credible evidence before the jury to conclude that the cocaine base introduced at trial was "crack" cocaine.

Defendant. Carmen Figueroa further moves to enlarge the time for filing a memorandum of law in support of this motion to July 5, 2005 so that the defendant has adequate time to brief the issues raised by the motion.

Respectfully submitted,
CARMEN FIGUEROA

Dated: May 31, 2005

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